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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/792,038 | 03/03/2004 | Melissa K. Rath | ATM1-668 | 4823 |
| 25559 | 7590 | 04/18/2005 | EXAMINER | |
| ATMI, INC. 7 COMMERCE DRIVE DANBURY, CT 06810 | | | LE, HOA VAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1752 | |

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/792,038 | Applicant(s) RATH ET AL. | |
| | Examiner Hoa V. Le | Art Unit 1752 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-52 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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This application is up for consideration.

A. In view of the complexity of the claims as set up. The office action is made.

B.1. Claims 1-52 are generic to a plurality of disclosed patentably distinct species comprising (a) many possible ammonium hydroxide containing compounds and (b) many possible strong bases being in a mixture with many possible oxidants in the art. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (a) or (b), even though this requirement is traversed.

(1) If applicants elect (a) species above, they are further required to elect one sub-species of A, B, C, D...G (those in claim 7) and H, I, J...X, Y, X, A², B², C²...P², Q² and R² (those in claims 23).

(2) If applicants elect (b) species above, they are further required to elect:

(#) (*) one sub-species of (potassium hydroxide, alkylammonium hydroxide and choline hydroxide (those in claim 12)) in a mixture with (**) one sub-species (hydrogen peroxide, amine-N-oxide, perborate salts, persulfate salts or their combination (those in claim 13) and

(##) one sub-species of (1,2,4-triazole, tolyl triazole... (those in claim 16)) and (fluoroalkyl surfactant, polyethylene glycol... and their combination (those in claim 18)) and (dimethyldiglycolamine, 1,8-diazabicyclo[5.4.0]undecene... and their combination (those in claim 21)).

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2. Claims 24-52 are generic to a plurality of disclosed patentably distinct species comprising (a) semiconductor device process, (b) photoresist process and (c) sacrificial anti-reflect coating process. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (a) or (b), even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

C. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-23, drawn to a (removing (stripping)) (composition (containing at least two chemical ingredients)), classified in class 430 , subclass 256.
- II. Claims 24-52, drawn to a (removing (stripping)) method , classified in class 134, subclass 2.

Inventions of Group I and Group II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product as claimed can be used in a material different process such table top cleaning, machine dishwashing, drain cleaning, metal

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oxidizing. Applicants should show or provide a convincing evidence to the contrary. In the absence of such evidence, the restriction on the record would not be removed.

There is no evidence on the record that they are not patentably distinct. Therefore, no separate consideration or search is required. They are stood or fall together. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and can support separate patent as divided by applicants, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

D. However, a method claim is permitted to be rejoined with an allowable (material (composition)) claim. If the method claim contains all of the limitations of the material claim when the material is firstly elected, considered, searched, examined and found to be allowable.

E. Other issues have not been considered until a proper and complete election is made and resolved.

F. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 571-272-1332.

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The examiner can normally be reached from 6:30 AM to 4:30 PM on Monday through Thursday and about the same time of most Friday.

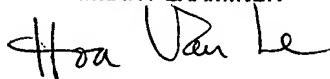
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526.

Applicants may file a paper by (1) fax with a central facsimile receiving number 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hoa V. Le
Primary Examiner
Art Unit 1752

HVL
13 April 2005

HOA VAN LE
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Hoa Van Le".